

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

<b>In Re:</b>  <b>W.R. GRACE &amp; CO., et al.,</b>  <b>Debtors.</b>	<b>§</b> <b>§</b> <b>§</b> <b>§</b> <b>§</b> <b>§</b>	<b>Chapter 11</b>  <b>Jointly Administered</b> <b>Case No. 01-01139 (JKF)</b>
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**FEE AUDITOR'S FINAL REPORT REGARDING THE FEE APPLICATION OF  
OGILVY RENAULT LLP FOR THE TWENTY-SIXTH INTERIM PERIOD**

This is the final report of Warren H. Smith & Associates, P.C., acting in its capacity as fee auditor in the above-captioned bankruptcy proceedings, regarding the Interim Fee Application of Ogilvy Renault LLP for the Twenty-Sixth Interim Period (the "Application").

**BACKGROUND**

1. Ogilvy Renault LLP ("Ogilvy") was retained as special counsel to the Debtors and Debtors-in-Possession in Canada. In the Application, Ogilvy seeks approval of fees totaling \$265,184.00 CDN and expenses totaling \$105,203.23 CDN for its services from July 1, 2007 through September 30, 2007 (the "Application Period").

2. In conducting this audit and reaching the conclusions and recommendations contained herein, we reviewed in detail the Application in its entirety, including each of the time and expense entries included in the exhibits to the Application, for compliance with 11 U.S.C. § 330, Local Rule 2016-2 of the Local Rules of the United States Bankruptcy Court for the District of Delaware, Amended Effective February 1, 2006, and the United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330, Issued January 30, 1996 (the "U.S. Trustee Guidelines"), as well as for consistency with precedent

established in the United States Bankruptcy Court for the District of Delaware, the United States District Court for the District of Delaware, and the Third Circuit Court of Appeals. We served an initial report on Ogilvy, and received a response from Ogilvy, portions of which response are quoted herein.

### **DISCUSSION**

3. In our initial report, we noted the following database maintenance charges which seemed unusually high:

62,753.90	30/6/07	Document Database Maintenance - PLG PLATINUM LEGAL GROUP INC.
41,159.29	30/7/07	Document Database Maintenance - PLG PLATINUM LEGAL GROUP INC.

Pursuant to our inquiry, Ogilvy provided us with the invoices for these charges, which invoices we have reviewed and attached as Response Exhibit "A." In addition, Ogilvy responded as follows:

In the Initial Report, the Fee Auditor seeks additional explanation concerning OR's request for reimbursement for \$103,913.19 CDN in expenses billed during the Twenty-Sixth Interim Period.

OR is of the view that reimbursement for the database-related expenses provided by PLG Platinum Legal Group Inc. ("PLG") is both appropriate and reasonable. In its role as special counsel to the Debtors in ongoing U.S. Chapter 11 proceedings and related proceedings in Canada, including in respect of property damage and personal injury claims, OR has collected and reviewed thousands of documents. In order to ensure efficient access and search capabilities, OR arranged with PLG to have all such potentially relevant documents scanned electronically and coded into a summation database.

Attached to this letter are copies of the itemized invoices for the expenses incurred by PLG in connection with the database maintenance described above.


We accept Ogilvy's response and have no objection to these expenses.

## CONCLUSION

In summary, we recommend approval of \$265,184.00 CDN in fees and \$105,203.23 CDN in expenses for Ogilvy's services for the Application Period.

Respectfully submitted,

**WARREN H. SMITH & ASSOCIATES, P.C.**

By:   
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**FEE AUDITOR**

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served by First Class United States mail to the attached service list on this 25<sup>th</sup> day of February, 2008.

  
Warren H. Smith

## **SERVICE LIST**

### **Notice Parties**

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